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09/680,389	10/04/2000	Glenn Reid	004860.P2474	8573

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EXAMINER

CHUONG, TRUC T

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/680,389

Applicant(s)

REID, GLENN

Examiner

Truc T. Chuong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9, 16-33 and 40-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 16-33, 40-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This communication is responsive to the RCE, filed 09/06/06, after the decision on appeal, mailed 07/05/06.

Claims 1-9, 16-33, 40-54 are pending in this application. In the communication, claims 1, 16, 22, 28, and 40 are independent claims, claims 1, 16, 22, 28, and 40 are amended, claims 10-15, and 34-39 are cancelled, and claims 46-54 are new claims. This action is a non-final rejection.

#### *Claim Objections*

Claim 22 is objected to because of the following informalities: “nterface” at limitation C should be “interface”. Appropriate correction is required.

Claim 54 is objected to because of the following informalities: it should be “the computer readable medium of claim 51” instead of system claim 53 as claimed.

#### *Claim Rejections - 35 USC § 101*

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 28-33, and 51-52, and 54 are rejected under 35 U.S.C. 101 because the claim invention appears to be non-statutory subject matter. The “computer readable medium” is defined in the specification as including intangible media such as data signal in a carrier wave, which is non-statutory (Specification, lines 32-33 of page 33).

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-9, 16-33, 40-54 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the single representation of a time line" in limitation B, because the Applicant only claims "a single time line" displayed on the viewing/editing window; therefore, it should be "the single representation of the time line". There is insufficient antecedent basis for this limitation in the claim. The similar error can be found in other independent claims.

Claims 16-21, and 49-50 are unclear. Claim 16 is a hybrid claim which is a combination of system and method steps.

Other claims are also rejected because of their dependency.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

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subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-9, 16-33, 40-54 are rejected under 35 U.S.C. 102(e) as being anticipated by Foreman et al. ("Foreman", U.S. Patent No. 6,628,303 B1).

As to claim 1, Foreman shows a method for processing a presentation of a time based stream of information, the method comprising:

A) providing a user interface having functionality to display only a single graphical representation of a time line (there is only one single timeline 160 shown in fig. 9 because indicators 184 and 186 are linked together to show the position of frames from a plurality of video clips) including a plurality of references (e.g., fig. 8 shows the plurality of selected video clips in window 134, and fig. 9), each reference corresponding to a visual time based stream of information (the plurality of selected video clips, e.g., figs. 8-9), each reference including one of at least two types of edit features (the user can "drag and drop" the video clips for playing/editing, e.g., clips are insertable at transitions and can be performed using a "drag and drop" operation, which can be implemented using standard techniques. Insertion of a clip involves creating a hole the size of the clip, then replacing the hole with the clip to be inserted. The hole may be created after a selected clip, at a transition point nearest the drop or anywhere beyond the end of the last clip in the timeline. It may be desirable to show what the timeline would look like if a drop were to occur when the user has a drop position selected, but prior to the drop operation being performed. An inserted clip may be selected by a copy or cut operation, followed by a paste operation; a selection from a library; or by dragging a selected clip to the desired location (which is in essence a combination of cut and paste operations), col.

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11 line 60-col. 12 line 6) wherein at least two of the references are to be positioned in a presentation (e.g., fig. 9 shows more than two video clips can be viewed/edited at the same time), and wherein any time instant along the time line corresponds to at most of the references positioned in the presentation (e.g., fig. 9 discloses the window 172 is showing the combination of frames which are from the plurality of selected video clips as mentioned above);

B) displaying the single graphical representation of a time line on the user interface (there is only one single timeline 160 shown in fig. 9 because indicators 184 and 186 are linked together to show the position of frames from a plurality of video clips);

C) displaying a reference with an edit feature on the user interface (the user can “drag and drop” the video clips for playing/editing, e.g., col. 11 line 60-col. 12 line 6); and

D) dragging the reference over the single graphical representation of the time line to insert the edit feature into the presentation (e.g., col. 11 line 60-col. 12 line 6).

As to claim 2, Foreman shows the method of claim 1, wherein the edit feature is text (Foreman inherently shows this feature because the user can copy and paste selected video clips/frames, which means the user can change/rename/insert text to the viewing files/clips).

As to claim 3, Foreman shows the method of claim 1, wherein the edit feature is a transition (e.g., fig. 9 discloses the window 172 is showing the combination of frames which are from the plurality of selected video clips as mentioned above).

As to claim 4, Foreman shows the method of claim 1, wherein the single graphical representation of a time line includes at least two references and wherein the reference with an

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edit feature is dragged between the two references (drag and drop, e.g., col. 11 line 60-col. 12 line 6).

As to claim 5, Foreman shows the method of claim 1, wherein providing the reference with the edit feature is by moving a reference to an edit box and inserting the edit feature into the reference in response to user edit commands (the user can edit/insert effects into the selected video, e.g., figs. 9-10).

As to claim 6, Foreman shows the method of claim 5, wherein the moving of the reference is by cutting the reference and pasting the reference over the edit box (drag and drop, e.g., col. 11 line 60-col. 12 line 6, and the user can edit/insert effects into the selected video, e.g., figs. 9-10).

As to claim 7, Foreman shows the method of claim 1, further including editing the edit feature of the reference by selecting the reference and popping up an edit box automatically in response to the selecting (e.g., fig. 10).

As to claim 8, Foreman shows the method of claim 1, further including displaying another reference having an edit feature and in response to a user cut/paste command, cutting the other reference from a position on the user interface and pasting the other reference over the single graphical representation of the time line to insert the edit feature into the presentation (the user can "drag and drop" the video clips for playing/editing, e.g., clips are insertable at transitions and can be performed using a "drag and drop" operation, which can be implemented using standard techniques. Insertion of a clip involves creating a hole the size of the clip, then replacing the hole with the clip to be inserted. The hole may be created after a selected clip, at a transition point nearest the drop or anywhere beyond the end of the last clip in the timeline. It

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may be desirable to show what the timeline would look like if a drop were to occur when the user has a drop position selected, but prior to the drop operation being performed. An inserted clip may be selected by a copy or cut operation, followed by a paste operation; a selection from a library; or by dragging a selected clip to the desired location (which is in essence a combination of cut and paste operations), col. 11 line 60-col. 12 line 6).

As to claim 9, Foreman shows the method of claim 8, wherein the single graphical representation of a time line includes at least two references and wherein the reference having an edit feature is pasted between the two references (e.g., figs. 9-10, and col. 11 line 60-col. 12 line 6).

As to claims 16-21, they are system claims of method claims 1-2, and 4-7. Note the rejections of claims 1-2, and 4-7 above respectively.

As to claim 22, this is a system claim of the method claim 1. Note the rejection of claim 1 above.

As to claims 23-27, these are system claims of method claims 2, and 4-7. Note the rejections of claims 2, and 4-7 above respectively.

As to claims 28-33, these are program product claims of method claims 1-2, and 4-7. Note the rejections of claims 1-2, and 4-7 above respectively.

As to claims 40-45, these are system claims of method claims 1-6. Note the rejections of claims 1-6 above respectively.

As to claim 46, Foreman shows the method of claim 1, wherein the presentation includes a selector (e.g., fig. 9 shows window 160 with the plurality of selected video clips), the selector to cause the user interface to display a second single graphical representation of a second time



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line when selected (the selected clip(s) will be shown in 172 along with 174 timeline), and wherein any time instant along the time line corresponds to one instant along the second time line (e.g., figs. 9-10).

As to claim 47, Foreman shows the method of claim 46, wherein the time line is a video time line (e.g., fig. 8).

As to claim 48, Foreman shows the method of claim 46, wherein the time line is an audio time line (e.g., fig. 9).

As to claim 49, Foreman shows the system of claim 16, wherein the presentation includes a selector, the selector to cause the user interface to display a second single graphical representation of a second time line when selected, and wherein any time instant along the time line corresponds to one instant along the second time line (Note the rejection of claim 46 above).

As to claim 50, Foreman shows the system of claim 49, wherein the time line is a video time line (e.g., fig. 9).

As to claims 51-52, and 54, they are program product claims of method claims 46, 48, and 47. Note the rejections of claims 46, 48, and 47 above respectively.

As to claim 53, it is a system claim of method claim 46. Note the rejection of claim 46 above.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims, filed 09/06/06, have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Piech et al. (U.S. Patent No. 5,442,744) teach a single timeline, plurality of selectable video clips, editing, inserting, and dragging/dropping (cols. 1-6 and figs. 1-5C).

Snook (U.S. Patent No. 6,400,378 B1) teaches drag/drop video clips into a display window, timelines and a single timeline, audio, and editing features (cols. 1-10 and figs. 3-10).

Newman et al. (U.S. Patent No. 6,154,600) teach a single timeline, clips, editing features (cols. 3-18 and figs. 9-12).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T. Chuong whose telephone number is 571-272-4134. The examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Truc T. Chuong

09/27/06



**WEILUN LO**  
**SUPERVISORY PATENT EXAMINER**